

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
HEALTH AND SOCIAL SERVICE ISSUES**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

October, 1999

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1999

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee (under Legislative Council Resolution 99-1) to do the following:

- Study the licensure of respiratory care professionals. (HCR 69, HB 1820)
- Review the adequacy of state funded health care programs, including prescription drug benefits. (HCR 121, SR 37)
- Study the amount and use of federal Title X funds in Indiana. (HR 133)
- Study advanced practice nurses and physician assistants. (HB 1403)

II. INTRODUCTION AND REASONS FOR STUDY

The topics assigned to the Committee originated from topics and issues contained in Resolutions and House Bills that were considered by the 111th General Assembly - First Regular Session.

III. SUMMARY OF WORK PROGRAM

The Committee met five times during the interim to examine the issues assigned by the Legislative Council.

The first meeting was held August 26, 1999 at the State House and received information concerning the licensure of respiratory care professionals.

The second meeting was held September 15, 1999 at the State House and concentrated on the issues regarding the adequacy of state funded health care programs, including prescription drug benefits.

The third meeting was held September 29, 1999 at the State House and considered information concerning the amount and use of federal Title X funds in Indiana.

The fourth meeting was held October 13, 1999 at the State House and focused on the issues related to advanced practice nurses and physician assistants.

The final meeting was held October 25, 1999 at the State House to discuss and vote upon final recommendations.

IV. SUMMARY OF TESTIMONY

On the topic of licensure of respiratory care professionals (RCPs) the Committee members heard testimony from 17 individuals who addressed the following matters: the current status of the law regulating respiratory care professionals; RCPs perform a variety of tasks in providing respiratory care therapy; there are eight institutions available in Indiana to study respiratory care therapy; current law allows the training of other professionals to perform respiratory care therapy; not all respiratory tasks are complicated or need extensive training; and there was disputed testimony on

whether licensure was necessary to increase the quality of respiratory care therapy and whether licensure would have a negative impact on rural areas.

Concerning the adequacy of state funded health care programs, including prescription drug benefits, the Committee received testimony from nine individuals whose testimony included the following: formularies and drug programs need to be developed and reviewed by clinical experts; medical decisions concerning prescription drugs should rest with the physician and patient; Indiana's drug programs deal with the most vulnerable population groups; various state programs have procedures to make non-formulary drugs available to patients; and the Indiana Commission on Mental Health has been studying this subject as it relates to mental health drugs.

Regarding the topic of Title X funding, the Committee heard testimony from 16 individuals whose remarks included the following: the federal Department of Health and Human Services (HHS) selects and oversees agencies that administer the distribution of Title X funds; there are other health related federal grants that are distributed directly to not for profit corporations; the Indiana Family Health Council (IFHC) has distributed Title X funds in Indiana since 1975; in 1997 IFHC prepared a plan to retarget family planning services in Indiana and instituted a competitive application process; since 1997 only four facilities that are operated by Planned Parenthood of Central and Southern Indiana have received Title X grants; various family planning service providers support the administration of Title X grants by IFHC while the PPCSI does opposes IFHC's administration of the grants; the relationship between PPCSI and IFHC is greatly strained.

On the topic of physician assistants, the Committee received testimony from eleven individuals whose testimony included the following: there are about 240 physician assistants (PAs) in Indiana; a PA's practice is under the supervision of a physician; 46 states give PAs prescriptive authority; PAs take pharmacology classes - though there was a dispute over whether training was adequate; PAs can help patients receive quicker health care, especially in medically underserved areas.

Regarding the topic of advanced practice nurses (APNs), the Committee heard testimony from five individuals whose comments included the following: there are about 600 APNs in Indiana; the three types of APNs are nurse practitioner, clinical nurse specialist, and certified nurse midwife; APNs must be registered nurses and complete Masters level programs; statutes and rules define the APNs scope of practice; nurses are allowed to make a "nursing diagnosis" under their scope of practice; to prescribe legend drugs an APN must meet certain Medical Licensing Board requirements; all 50 states allow APNs to prescribe drugs - though the exact requirements vary; and there have not been any complaints filed against an APN with the Nursing Board.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact:

Concerning Respiratory Care Professionals:

- RCPs perform a variety of tasks in providing respiratory care therapy.
- There are eight institutions available in Indiana to study respiratory care therapy.
- Current law allows the training of other professionals to perform respiratory care therapy.
- Not all respiratory tasks are complicated or need extensive training.

Concerning the adequacy of state funded health care programs, including prescription drug benefits:

- Formularies and drug programs need to be developed and reviewed by clinical experts.
- Medical decisions concerning prescription drugs should rest with the physician and patient.
- Indiana's drug programs deal with the most vulnerable population groups.
- The various state programs have procedures to make non-formulary drugs available to patients
- The Indiana Commission on Mental Health has been examining the issue of access to mental health prescription drugs in state funded programs.

Regarding Title X funds:

- The federal Department of Health and Human Services (HHS) selects and oversees agencies that administer the distribution of Title X funds. The Indiana Family Health Council (IFHC) has distributed Title X funds in Indiana since 1975.
- In 1997 IFHC prepared a plan to retarget family planning services in Indiana and instituted a competitive application process.
- Since 1997 only four facilities that are operated by Planned Parenthood of Central and Southern Indiana have received Title X grants.
- The relationship between PPCSI and IFHC is greatly strained.

Concerning physician assistants:

- There are about 240 physician assistants (PAs) in Indiana.
- A PAs practice is under the supervision of a physician.
- 46 states give PAs prescriptive authority.
- PAs can help patients receive quicker health care, especially in medically underserved areas.

Regarding advanced practice nurses:

- There are about 600 APNs in Indiana.
- APNs must be registered nurses and complete Masters level programs.
- Statutes and rules define the APNs scope of practice; nurses are allowed to make "nursing diagnosis" under their scope of practice.
- To prescribe legend drugs an APN must meet certain Medical Licensing Board requirements; all 50 states allow APNs to prescribe drugs.
- There have not been any complaints filed against an APN with the Nursing Board.

The Committee made the following recommendations:

Concerning the issue of the licensure of respiratory care professionals, the Committee voted 8-0 to not make recommendations.

Relating to the issue of the adequacy of state funded health care programs, including prescription drug benefits, the Committee recommended legislation (PD 3536) concerning prescription drug formularies by a vote of 9-0.

Regarding the issue of the amount and use of federal Title X funds in Indiana, the Committee

recommended by a vote of 9-0 that during the 2000 interim the Health Finance Commission continue to study the use of Title X funds.

Pertaining to the issue of physician assistants, the Committee recommended legislation (PD 3516) concerning physician assistant prescriptive authority by a vote of 8-0.

Concerning the issue of advanced practice nurses, the Committee voted 8-0 to not make recommendations.

This final report was approved by a vote of 9-0.

WITNESS LIST

Respiratory Care Professionals

Cheri Bates, Clarion Health, Indianapolis
Dave Burnworth, RRT, Lincare Home Health, Bloomington
James Cooper, Patient, Indianapolis
Donna Gannaway, Putnam County Hospital
Thomas Hayhurst, M.D., City Councilman, Ft. Wayne
Jack W. Higgins, M.D., Indiana State Medical Association
Jack Hines, Patient, Indianapolis
Tim Kennedy, Indiana Health & Hospital Association
Sheila Klinker, State Representative - District 27, Lafayette
Rex McKinney, RRT, St. Vincent Hospital, Indianapolis
William Mohr, M.D., Medical Director, Asthma Clinics for America Health Network; Indiana State Medical Association
Michael Niemeier, M.D. Medical Director, Respiratory Care, Methodist Hospital; Respiratory & Critical Care Consultants P.C.
James Pike, M.D., Respiratory & Critical Care Consultants P.C.
Barbara Reardon, St. Vincent Hospital, Indianapolis
Mark Scherer, Beebe, Scherer & Associates
Linda Van Scoder, EdD, RRT, School of Allied Health Sciences, IU School of Medicine
Kathy Vernon, Apria Health Care, Lafayette

State Funded Health Care Programs, Including Prescription Drug Benefits

Ginny Fearin, Parent
Kathy Gifford, Director, Office of Medicaid Policy and Planning
Randy Koester, Director, Legal Services Division Department of Correction
James Lowery, Prison Health Services
Julie Newland, Manager of Public Affairs, Eli Lilly and Company
Theodore A. Petti, M.D., P.P.H., Indianapolis
Dean Rieger, M.D., Medical Director, Department of Correction
Fran Young, Parent
Jim Zieba, Indiana State Medical Association

Title X Funds

Alan Albright, Chair of the Board, Planned Parenthood of Central and Southern Indiana
Joni Albright, Assistant Commissioner, Public Health Services, Indiana State Department of Health
Alice Bennett, Board Member, planned Parenthood of Central and Southern Indiana
Virginia Caine, M.D., Marion County Health and Hospital Corporation
Jane Chappel, Director of Health Services, TriCap, Vanderburgh County
Mary Beth Claus, Attorney, Bingham, Summers, Welch & Spilman
Ellissa Hughes, R.N.C., Healthy Children/Teens and Family Planning Clinic, Kokomo
B.J. Isaacson-Chaves, Executive Director, Indiana Primary Health Care Association

Janett Lowes, Board Member, Planned Parenthood of Central and Southern Indiana
Mary Ann Maroon-Davis, Planned Parenthood of Northwest/Northeast Indiana; Planned
Parenthood of North Central Indiana
Don Mikesell, Chairman, Indiana Family Health Council
Yvonne Perkins, Board Member, Planned Parenthood of Central and Southern Indiana
Gary Smith, Executive Director, Wabash Valley Human Services
Sharon Taggart, RN, Director of Clinics, Planned Parenthood of Central and Southern Indiana
Gayla Winston, President, Indiana Family Health Council
Charlotte Zietlow, Vice Chairman, Indiana Family Health Council

Advanced Practice Nurses

Sandra Andersen, Vice President of Consumer Services, Planned Parenthood of Central and
Southern Indiana
L. Kay Fields, President, Coalition of Advanced Practice Nurses
Doug Kinser, Hall, Render, Killian, Heath & Lyman
Naomi R. Patchin, Indiana State Nurses Association
Dee Swanson, American Academy of Nurse Practitioners

Physician Assistants

Debbie Allen, M.D.
Laura Hahn, Indiana Academy of Family Physicians
Tom Hoffman, PA-C, Indiana Academy of Physician Assistants
Richard Huber, M.D., Family Physician, Greenwood
Steve Jacobs, PA-C, President, Indiana Academy of Physician Assistants
B.J. Isaacson-Chaves, Executive Director, Indiana Primary Health Care Association
Tom Lucich, M.D.
Larry Ratts, M.D., Bloomington
Robert Tarver, M.D. University Radiology Associates, Inc., Indianapolis
David Wilcox, M.D.
John Williams, M.D.